

REMARKS

This Amendment and Response is responsive to the Final Office Action mailed October 7, 2005. In that Action, claims 1 and 3 were rejected under 35 USC §103(a) as being unpatentable over Walker, et al. (USPN 6,014,439) in view of Judkins, et al. (USPN 6,603,854); claims 1, 3, 9, 10, 12-16, 18 and 19 were rejected under 35 USC §103(a) as being unpatentable over Walker, et al. (USPN 6,014,439) in view of Judkins, et al. (USPN 6,603,854) and further in view of Otto (USPN 5,703,943).

Claims 9, 10, 12-16, and 18-21 are now pending. Claims 1 and 3 have been canceled. Claims 9 and 18 have been amended to further emphasize distinctions over the prior art of record. New dependent claims 22 and 23 are added, and they are believed to be patentable because of the limitations therein and because of their dependence on patentable claims. Applicants submit that all of the claims are in allowable form, and reconsideration of the rejections is hereby requested.

Claims 9, 10, 12-16, 18 and 19 have been rejected based on Walker in view of Judkins and, for some claims, further in view of Otto. None of the references disclose assigning a priority number for positioning a telephone call in a queue from monitoring the interactive applications accessed.

Specifically, Walker fails to disclose a priority number determined from monitoring the interactive applications accessed. Walker only discloses positioning the telephone call in the queue (step 860) based on the time the call was received (Column 10, Lines 5-9 and 29-32; Column 11, Lines 1-6). Walker teaches that before the call is placed in the queue, information extracted in step 810 from the customer account database 300 is only used to determine whether the customer should receive paid entertainment options (Column 9, Lines 43-67; Column 10,

Lines 1-9; Figures 4, 8A, 8B and 8C). None of the steps preceding placing the call in the queue (step 860) in the flow chart taught by Walker determine the position of the call to be placed in the queue (Column 9, Lines 43-67; Column 10, Lines 1-9; Figures 4, 8A, 8B and 8C). Therefore, Walker teaches that only the order of receiving the call determines the order of the queue. Thus, Walker falls far short of disclosing a priority number, much less one determined from monitoring interactive applications accessed.

Judkins also fails to disclose a priority number determined from monitoring interactive applications accessed. Before a call is placed in a queue, Judkins discloses extracting the DNIS and/or ANI information to route to different queues based on DNIS or ANI and/or cause the caller to get a busy signal or be routed elsewhere (Column 20; Lines 10-16). Once in a particular queue, Judkins discloses, "The call center system 100 can escalate the priority of a call after it has been in the queue" (Column 13, Lines 39-45). Thus, once in the queue, Judkins teaches a system for changing the priority of a call based on a function (e.g. linear, exponential, etc.) of the time in the queue (Column 21, Lines 59-67; Column 22, Lines 1-6). Further, Judkins teaches that such settings are applied to every call with a particular DNIS (Column 21, Lines 6-50). Thus, Judkins fails to teach or suggest a system that assigns a priority number to place the telephone call in a call queue, and further fails to teach a priority number determined from monitoring the interactive applications accessed.

Furthermore, Otto fails to disclose assigning a priority number, much less a priority number determined from monitoring the interactive applications accessed. Rather, Otto discloses a transaction number used solely when a call is incomplete and needs a second call to be completed (Column 1, Lines 38-42; Column 4, Lines 58-67; Column 5, Lines 1-10). Otto discloses that once a transaction number is assigned, the call is disconnected (Figure 4B, steps

155, 157 and 159). Thus, Otto teaches away from assigning a priority number for routing the telephone call to place the telephone call in a call queue. Otto therefore teaches away from a priority number as presented in Applicants' invention and further teaches away from a priority number determined from monitoring the interactive applications accessed.

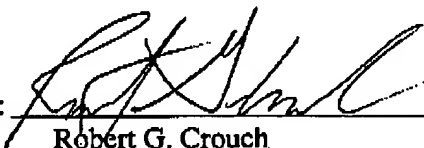
Because neither Walker, Judkins, nor Otto disclose or suggest assigning a priority number determined from monitoring the interactive applications accessed, claim 9 (and all claims dependent thereon) are not obvious in light of any combination thereof. Thus, these claims are patentable.

Regarding claim 18, Walker, Judkins, and Otto fail to teach either alone or in combination a routing priority number determined from monitoring the interactive applications selected during the telephone call. In support, Applicants reference the arguments above relating to claim 9. Furthermore, Otto teaches away from assigning a routing priority number upon affirmative selection for being placed in a queue. Applicants submit that claim 18 is therefore in allowable form as are claims 19-20, which depend on claim 18.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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